



BOARD OF PUBLIC WORKS & SAFETY JUNE 23, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 6:00 p.m.

PRESENT:	Board members Warren Beville, Kevin Hoover, Mayor Henderson; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis arrived at 6:30 p.m.) and Director of Engineering Paul Peoni.
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Mr. Beville moved that the minutes of the regular session of June 9th be accepted as presented. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni discussed a request for encroachment of a drainage and lake access easement for an existing deck by Joel Goode of 1086 Sycamore Court. The property is in Woodgate Subdivision, Section 7. A handout (in attachments of this meeting) included a letter requesting the variance from Mr. Goode, renderings of the deck structure and an explanation of drainage easements. There are no sanitary or storm sewers in the easement. The encroachment is 1.3' explained Mr. Peoni. It doesn't appear there would be a problem, as it does not appear to be a utility easement. Mr. Goode's letter and a letter from Norman Hiselman of Benchmark Land Services attest to that. Mr. Beville moved to allow the variance request at 1086 Sycamore Court, with any expense necessitated because of work by the City to be charged to the owner. Second by Mr. Hoover. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates came forward on behalf of Emerson Pointe, Section 1, Block B requested acceptance of the Inspection & Testing Agreement, and acceptance of performance bonds. Mr. Peoni confirmed that the amounts and improvements are correct and approved by the Engineering Department. The Law Department has approved the form of the bond. Mr. Hoover moved to:

- 1) Accept performance bond #5014751 in the amount of \$134,584 from Bond Safeguard Insurance Company for the installation of the dirtwork and storm sewers at Emerson Pointe, Section 1, Block B, Building 1.
- 2) Accept performance bond #5014750 in the amount of \$10,563 from Bond Safeguard Insurance Company for the installation of the erosion control at Emerson Pointe, Section 1, Block B, Building 1.
- 3) Accept performance bond #5014752 in the amount of \$5,687 from Bond Safeguard Insurance Company for the installation of the sidewalks at Emerson Pointe, Section 1, Block B., Building 1.
- 4) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify the acceptance of the 50% upfront fee.

Second by Mr. Beville. Vote: Ayes.

In connection with Tuscany Village, Section 1, Mr. Peoni indicated that the amount and improvement shown on the bond is correct. The legal descriptions and graphic exhibits have been approved by the Engineering and Law departments. Mr. Hoover moved to:

- 1) Accept performance bond #5017241 in the amount of \$55,805 from Bond Safeguard Insurance Company for the installation of the erosion control at Tuscany Village, Section 1.
- 2) Accept and execute one (1) plat-over drainage easement.
- 3) Accept and execute one (1) plat-over sanitary sewer easement, all subject to:
 - a) City Attorney review and approval of the bond form.

Second by Mr. Beville. Vote: Ayes.

Thomas Engle of Barnes & Thornburg approached the Board on behalf of Heritage Trace to discuss two drainage easements. He told the Board that Mann Properties is now platting this property. As part of the settlement, they do now have the drainage easements; however, the forms are slightly different from the City's standard form, said Mr. Engle. His understanding was that the differences were minor and not material and also that the City Attorney had prepared a memo. Mr. Engle stated that one issue she

addressed was a phrase in the standard form concerning the maintenance of the easement. He then pointed out that there is a maintenance agreement between the two property owners for the underground storm improvements that will be installed in the easements by the developer, such that ???and successors are responsible for the maintenance of one portion and share the maintenance responsibility for the other portion. Mr. Peoni confirmed that the legal descriptions and the graphic exhibits have been reviewed by his staff, but he wants to make sure that this is indeed the location that are for the plans going through the Plan Commission. Mr. Peoni thought that at some point the City would still be responsible for the maintenance of the pipe. Mr. Hoover moved that the easements be accepted as presented, subject to the Clerk-Treasurer's name being changed to Jeannine Myers on the attestation clause and also review and final approval of the technical aspects by the Director of Engineering. Second by Mr. Beville. Vote: Ayes.

Per the Code Enforcement Officer, all the first six nuisance complaints listed on the agenda have been abated. These are for:

- 522 Carol Drive
- 781 Forest Avenue
- 300 block of Fry Road (vacant field)
- Greenwood Crossings
- 990 W. Main Street
- 508 Park Drive

For 236 Suncrest Drive, there were pictures showing the high grass. The Mayor saw the site at mid-morning and the nuisance had not been abated. Mr. Beville moved to find that a nuisance exists at 236 Suncrest Drive, direct the City Attorney to issue a seven-day Order of Abatement, and failing that to take any steps she deems necessary to abate the nuisance and charge the cost back to the property owner. Second by Mr. Hoover. Vote: Ayes.

Fire Chief Steve Dhondt reported that, regarding Station 94, they go to the BZA and the Plan Commission on July 11th to get final approval on the site plan. They have a variance before the BZA for a south side yard setback. This is to make room for parking, said Chief Dhondt, on the north side of the building. The Sanitation Superintendent has issued a capacity letter for the sanitary sewer at the new station. The Board of Works will need right-of-way in front of the station, which is reflected on the engineering plans. There was discussion as to what might be in the right-of-way, including utilities. Mr. Hoover moved to authorize the preparation of right-of-way documents such as the City Attorney believes are necessary for the west side of the property (the east side of Graham Road) for Station 94. Second by Mr. Beville. Vote: Ayes.

The plans for the new station call for dry detention. The area is over ½ acre, noted the Chief, but they have gone through Technical Review and anticipate using dry detention initially. The Lauth group will put in wet detention at a later time when their property is developed. Mr. Hoover moved to grant the waiver for dry detention for the new station, subject to approval of the plans by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

As a last request for the station, Chief Dhondt asked the Board waive inspection fees and bonding requirements, as owners of the property. Mr. Beville moved to waive the inspection fees and bonding requirements for Station 94 but have a signed Inspection & Testing Agreement unless the City Attorney deems the agreement not necessary. Second by Mr. Hoover. Vote: Ayes.

Chief Dhondt last brought to the Board a list of equipment that is more than 7 years old (before 1998). He told the Board that the department probably goes through 15 to 20 sets of fire gear each year and replaces that many sets. There are 111 firefighters, both full-time and volunteer, he added, and they try not to have any gear more than 7 years old. He provided a list of the serial numbers of the gear to be declared surplus. Mr. Beville moved to declare the fire gear as described by the Chief surplus and of no use to the City. Second by Mr. Hoover. Vote: Ayes.

Sanitation Superintendent Keith Meier, regarding the Eastside Interceptor, Phase 2A, reported that Atlas Excavating requested a Certificate of Substantial Completion the first part of May. There are still a few punch-list items to address, he added, but everything looks fine in the field. Mr. Hoover moved to issue the Certificate of Substantial Completion and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes.

Also concerning the Eastside Interceptor, Mr. Meier indicated that an amendment has been prepared to extend the contract of our consultant, Donohue & Associates. He told the Board that the City Attorney

has looked at it. Ms. Koons-Davis joined the meeting. The money is not in their original contract and would come out of the SAF fund. The amendment specified a not-to-exceed amount of \$18,000 for the as-builts. Mr. Hoover moved to authorize the contract for Donohue & Associates to include the preparation of as-built drawings, with a cost not to exceed \$18,000, subject to final review and approval by the City Attorney and to authorize the Mayor to sign on the Board's behalf. Second by Mr. Beville. Vote: Ayes.

On her Status of Tasks the City Attorney first brought up the ratification of approval and execution of insurance contracts by the former Human Resources Director. None of the contracts were submitted to the City Attorney or the Board for review. Copies of the Agreements with Unified Group Services, Inc., Individualized Care Management, Inc., Advance PCS, American National Insurance Company, and St. Francis Health Network, Inc. were sent to the Board for review and consideration. The Board was also given the contract for the EAP Services from Community Hospital Network. Mr. Beville moved to ratify the approval and execution by the Human Resources Director of the following contracts for insurance services:

- Unified Insurance Group, Inc.;
- Individualized Care Management, Inc.;
- Advance PCS;
- American National Insurance Company;
- St. Francis Health Network, Inc.; and
- Community Hospital Network

with the Board to review, compare and approve the stop loss cost from \$60,000 to \$70,000???, to authorize the Mayor to sign the contracts in the Board's behalf, and to add the date the contracts were ratified and the Mayor authorized to sign the contract documents – after his review and approval. Second by Mr. Hoover. Vote: Ayes.

The next item involved the preparation of a bid package for repairs to the Community Center roof and replacement of the HVAC units. On May 23, 2005 the Greenwood Building Corporation inspected the Community Center and determined that the roof replacement and the HVAC unit replacements were necessary and agreed to pay for them. An informal quote provided for the work totals \$197,500. The Community Center property is owned by the City and not the Park Board; therefore, the City Attorney recommends that both the Board of Public Works and Safety and the Building Corporation take action to authorize the preparation of a bid package for the roof and HVAC unit replacement in accordance with the Indiana Public Works law. Mr. Hoover moved to authorize the Executive Director of Parks and Recreation to proceed with the preparation of bid specifications for necessary roof and HVAC unit replacement for presentation and future approval by the Board, all in accordance with the Indiana Public Works law. Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, Mr. Peoni indicated that Homecoming at University Park, Section 8 has presented Inspection & Testing Agreements for both the sanitary sewers and all other improvements and has paid its 50% upfront fees. Mr. Hoover moved to accept the Inspection & Testing Agreements and ratify acceptance of the checks. Second by Mr. Beville. Vote: Ayes.

The Hearth at Stones Crossing also has presented an Inspection & Testing Agreement for the sanitary sewers and paid the 50% fee. Mr. Beville moved to accept the Inspection & Testing Agreement as described and ratify acceptance of the check. Second by Mr. Hoover. Vote: Ayes.

For Bainbridge Southlake, Section 1, Mr. Peoni presented an erosion control performance bond. It has been approved for the amount and improvement shown. Mr. Hoover moved to approve the erosion control bond, subject to final review and approval by the City Attorney. Second by Mr. Beville. Vote: Ayes.

For future sections of Bainbridge Southlake, they had permission to move dirt on the entire site from the Planning Commission. The erosion control bond is approved for the amount and improvement. Mr. Hoover moved to approve the bond as described, subject to the City Attorney's final review and approval. Second by Mr. Beville. Vote: Ayes.

Honey Creek Apartments, south of Curry Road on the east side of State Road 135 installed sanitary sewers over three years ago, noted Mr. Peoni, and presented a maintenance bond at that time. The Sanitation Superintendent has indicated that there appear to be no problems in the field. Mr. Beville moved to release the maintenance bond for Honey Creek Apartments. Second by Mr. Hoover. Vote: Ayes.

Homecoming at University Park, Section 6, also presents a performance bond for erosion control for acceptance. Mr. Hoover moved to accept the performance bond for Homecoming at University Park, Section 6, subject to the City Attorney's final review and approval. Second by Mr. Beville. Vote: Ayes.

Mr. Peoni next discussed the Northern Park reconstruction project. Because of the sanitary sewer removal and replacement there are some utility poles that will be in the way in the easement. Cinergy has sent an invoice in the amount of \$14,396 to remove and later replace the poles, because they do not consider this a road project, said Mr. Peoni, but a sanitary sewer project. There are 14 street lights, he noted. Cinergy also indicated that they would not remove the poles until the invoice is paid. After more discussion, Mr. Hoover moved to authorize the payment of the \$14,396 or some other sum for the movement of the poles, subject to expenditures being authorized by the Mayor. Second by Mr. Beville. Vote: Ayes.

Mayor Henderson indicated that the Human Resources Director has resigned and the position is open. Upon looking at the job description for the Human Resources Director, he said neither he nor the City Attorney were comfortable with it and recommended that the job description be dissolved. Mr. Beville moved to dissolve the job description for the Human Resources Director, allow the Mayor to fill the position, and rework the job description along with the City Attorney and the new Human Resources Director. Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through June 23rd. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson reminded the Board of the Freedom Festival this weekend and hoped everyone could attend.

With no further business, the meeting adjourned at 6:50 p.m.